

SEP 11 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ENNOS RENNALD MALAGWAR, aka
Ennos Rennald M. Tanamal,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-74711

Agency No. A78-020-211

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 8, 2008**

Before: TASHIMA, SILVERMAN and N.R. SMITH, Circuit Judges.

Ennos Rennald Malagwar, aka Ennos Rennald M. Tanamal, a native and
citizen of Indonesia, petitions for review of the Board of Immigration Appeals'

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Dhital v. Mukasey*, 532 F.3d 1044, 1050 (9th Cir. 2008), and we deny the petition for review.

Malagwar filed his asylum application three years after he joined the Maluku Sovereignty Front and five years after conditions deteriorated for Christians in Indonesia during the 1998 riots. We agree with the BIA that even if Malagwar established changed circumstances, he did not file his asylum application within a reasonable period of time. *See* 8 C.F.R. § 1208.4(a)(4)(ii); *Husyev v. Mukasey*, 528 F.3d 1172, 1182 (9th Cir. 2008).

Because Malagwar did not establish past persecution, substantial evidence supports the BIA's conclusion that he failed to prove that he could not reasonably relocate in Indonesia. *See* 8 C.F.R. § 1208.13 (b)(3)(i). He therefore has not shown a clear probability of persecution based on a protected ground if removed to Indonesia, *Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.

